

**Nolensville Planning Commission
Regular Meeting
Nolensville Elementary School
October 9, 2007, 7:00 p.m.**

Members in attendance were Chair Rick Owens, Members Jimmy Alexander, Andy Grosson, Bob Haines, Matt Happel, Mayor Beth Lothers, Debbie Riddle, Willis Wells and Frank Wilson. Aldermen Dugger was in attendance also.

Staff present was Town Attorney Bob Notestine, Town Planner Henry Laird, Town Engineer Don Swartz, Tom Allen and Town Recorder Cindy Lancaster.

I. Call Meeting to Order

The meeting was called to order at 7:04 p.m. by Chair Rick Owens.

II. Pledge of Allegiance

The Pledge of Allegiance was led by Willis Wells.

III. Approval of Minutes

Commissioner Wells made a motion to approve minutes from September 11, 2007, and Commissioner Riddle seconded the motion.

Mayor Lothers made a motion to amend the minutes of the following section of the September minutes:

“Mayor Lothers made a motion to amend with approval for lot 2308 and defer lot 2307 with the condition that the builder perform an internal audit on the critical lots within the development by the next planning commission meeting.”

She stated that it should read, “conditional on the internal audit on the critical lots and more information provided to the Planning Commission regarding on how they would handle the other lot.” She noted that she felt she should clarify this and make sure that it is a part of the record. She stated that she did not believe the motion was strictly conditional on the audit but also on providing more information on the second lot, 2307. She further stated that this is very important whenever something is based on approval of a condition, noting it has to be completely accurate with this being the town’s written record. Chair Owens seconded. The amendment was approved unanimously. The minutes were approved unanimously as amended.

IV. Announcements

Chair Owens said to rely heavily on staff to give their benefit of their expertise. He noted everyone, Henry Laird, Don Swartz, Mayor Lothers, Tom Allen, Matt Happel, Bob Haines and everyone. Mayor Lothers noted that the County Planning Commission meets once a month and the town is trying to have representation at each of these meetings.

V. Citizen Comments

There were no citizen comments.

VI. New Business

Subdivision Review:

Brittain Downs Final Plat Phase 1

Mr. Laird noted that this is the final plat for Phase 1 Brittain Downs P.U.D. This phase is for 42 lots. The submittal is complete and they did a good job on submitting. He recommends approval with condition of posting performance bond for remaining infrastructure work.

Mike Anderson of Anderson Delk Engineering stated the bond has not been posted, although it will be once this commission has approved this. Commissioner Haines noted that he did not see sprinklers on the plans. Mr. Anderson said he could add this. He also asked about the facade setback for front loaded garages and asked for Mr. Anderson's understanding. Mr. Fred Yazdian, builder for Brittain Downs, stated that the garage will be three (3) feet behind the front façade. Commissioner Haines said that in the past, there has been some confusion and use of the front porch as the front façade. .

Commission Haines made a motion to show the sprinkler system on the notes section of the final plat.

The total bond amount has been set and we rely on the engineering firm to set this \$170,000. Mr. Anderson stated that this was set on September 26th and the curbs and some sidewalks had not been installed. About \$90,000 has already been completed and we would like for you to consider that. The estimate for that is \$181,000 and we ask that this be taken into consideration and reduced. Mr. Swartz stated he would recommend that and the town requires a stamped letter from the engineer and once that is sent, I can check that to make sure it has been performed.

Mayor Lothers asked if the sprinkler system should be on there. Mr. Laird stated that it could be put on there.

Chair Owens suggested a conditional approval with posting a performance bond after the required letter of the posting amount from the developer and the sprinkler notation of the general notes on the final plat as well. Mr. Swartz stated he would appreciate that.

There was no second.

Chair Owens made a motion to approve based on the approved amount by staff for the bond and to have the inclusion of the sprinkler requirement in the general notes. Mayor Lothers seconded the motion. The motion passed unanimously.

Final Plat Willis Wells Property (lot for Dr. Harr's Office Building)

Commissioner Wells stated that he would recuse himself from this agenda item.

Mr. Laird described this proposal. He stated that a condition should be to have Williamson County sign this with the approved address. Although, Williamson County does not normally sign until approved. He stated we had requested in the notes to have north and south joint access easement to the property.

Chair Owens made a motion to approve with the condition for the requirement to obtain the address on the actual lot. Commissioner Haines seconded the motion.

Commissioner Happel asked if the sidewalk setback should be 30-foot minimum set-back instead of 20-foot since it is OI. Mr. Laird stated 20 feet is correct.

Alderman Alexander noted that there is a 50' r-o-w, from centerline and asked when the state talked about widening, didn't they talk about a 110' requirement for the road. He asked wouldn't that be needed?

Alderman Dugger, of 2260 Rolling Hills Drive, stated that he thought that is in our major thoroughfare plan also. He asked Mr. Laird if the site plan would require a landscape buffer and we will need to increase that. He told Alderman Alexander that the town should get a right of way reservation; half of whatever that distance is from the center line. Alderman Alexander stated if they are willing to do this, then we can approve it with this condition.

Tim Turner, with T-Square Engineering; we have the room, we have the landscape buffering and we will be willing to do that. Alderman Alexander asked if they would be willing to provide a dedication of 5 feet, and Mr. Turner agreed to do that.

Mr. Notestine asked if it was correct that Nolensville Road says State Route? Commissioner Wilson said that the 31/41 is a federal highway. It is also State Route 11 and that will remain with it forever.

Alderman Alexander made a motion to amend the map to include a 5' right of way dedication. Mayor Lothers seconded the motion, and it passed unanimously. This was approved unanimously as amended.

Site Plan Reviews:

Dr. Harr's Office Complex Nolensville Road

Mr. Laird noted that the architectural review of the Design Review Committee had made some suggestions for design improvements, and these suggestions were considered by the applicant. We had some good suggestions on the lighting, and they have decided to use one of these suggestions. He showed where the minor revisions were requested. They showed what the sign would look like and the revised sign ordinance was just passed last Thursday. They will be following the newest guidelines within this ordinance.

Tim Turner, Dr. Harr and his new associate were in attendance. Tim Turner stated that he just received the comments today, and he has agreed to abide by the storm water comments.

Tim Turner with T-Square Engineering stated we just received the comments at 2:00 this afternoon and agreed to abide. Mayor Lothers asked if there was a breakdown. Mr. Laird stated yes, there was a breakdown. Tom Allen stated that Tim Turner agreed to respond to the comments and he will monitor this.

Mayor Lothers made a motion to approve, contingent on the memo dated October 2, 2007, from Tom Allen that all storm water issues are resolved to Mr. Allen's recommendations. Chair Owens seconded.

Commissioner Happel asked if there were any updates on the elevations of the proposed building. Mr. Turner stated we are taking all of your recommendations into consideration. Chair Owens referred to the memo from T Square Engineering and stated he did not see 50 and 100 design storms. Mr. Allen stated that this is the original submittal and he had not seen the revised figures that will be some of the response.

Commissioner Happel made a motion to amend the submittal for new elevation drawings of the building, and Chairman Owens seconded the motion. This amendment was approved unanimously.

Mayor Lothers asked Mr. Laird if we are looking for the design of the suggestions from the roof and they are looking at re-designs. She asked if we normally look at these at this point. Mr. Laird stated yes.

Dr. Harr stated when we spoke that it was not my idea that you wanted to see this tonight. Mr. Laird stated that was correct. Commissioner Happel stated it could be seen at a later date.

Mayor Lothers asked if the commission really needed this in a form of an amendment/condition. Commissioner Happel stated if this is their official submittal we need to do so. Mr. Laird stated if you do not, they will go by this elevation plan.

The vote was taken on the original motion and this was approved unanimously.

Mayor Lothers thanked the Dr Harr for staying in Nolensville and expanding his practice.

Governor's Commons Office/Warehouse Development in Haley industrial Park

Mr. Laird stated that this development was an office complex in Haley Industrial Park. It is zoned OI, and the submittal is complete. The main concern is the storm water and the detention in the industrial park. Mr. Allen has looked at this project and worked with Haley's engineers Dale and Associates.

Mr. Joe Petrosky, project engineer, showed the commission a drawing of the facility. Mr. Laird stated they may need to make a request to the Board of Zoning Appeals in regards to the required landscape strip.

Chairman Owens stated in reading the recommendations (he read). He said he felt we would look at a revision versus a variance.

Mr. Petrosky stated we have brought up an alternative rather than the landscape strip. We would like to be granted our grading permit before finalizing the landscape strip. Chairman Owens asked if it was their intent to ask for the variance, and Mr. Petrosky stated yes.

Mr. Laird stated that in the CCO they have a different requirement – not just a steady 5' strip. Technically, it is a requirement that should be met or a variance request be made. Chairman Owens asked if the requirements had changed, and Mr. Laird stated that is correct. Chairman Owens stated a couple of things have been discussed and asked are there outstanding items?

It was noted that the storm water is in good shape in the industrial park. Mr. Allen approved the plans that Dale and Associates prepared. Landscaping has an issue and everything else appears to be in good shape.

Governor's Commons Office/Warehouse Development in Haley industrial Park – Cont'd

Alderman Alexander asked if the outstanding issues were the landscape issue. Mr. Petrosky stated we are quite willing to soften this up to place benches or go before the Board of Zoning Appeals. He noted that the reason this arose is due to a client who had built one of these buildings that are currently out there. He suggested that this be included.

Chair Owens stated it was his understanding that 5' is now a present requirement, but not before. Mr. Laird stated he thought it was there, but it was missed.

Mayor Lothers stated that the ordinance proposed would have given the Planning Commission more flexibility in the zoning, although it did not pass at the Board of Mayor and Aldermen level. She noted that the board was not comfortable to give this authority to the Planning Commission.

Mr. Notestine stated you can give approval with the condition that this is approved by the Board of Zoning Appeals, or a revision to the landscape plan.

Alderman Alexander made a motion to approve if approval is obtained from the Board of Zoning Appeals, or if denied by the Board of Zoning Appeals, revise this plan for the 5' landscape strip. This was seconded by Commissioner Wilson.

Chairman Owens asked for the criteria for granting a variance through the Board of Zoning Appeals. Mr. Notestine said that the ordinance sets out the guidelines to grant a variance. Commissioner Haines noted that it can be found in Section 9.2. of the Zoning Ordinance.

Commissioner Happel amended the motion to allow the grading permit, but to not allow a building permit until the detention is completed. Mayor Lothers seconded the motion.

It was asked if this would be a problem, and Mr. Petrosky stated that it would not.

Chairman Owens asked Mr. Notestine in regards to setting a precedent. Mr. Notestine stated a lot of people discussed this and with the Board of Zoning Appeals, there are very specific problems that are presented and they hear each case individually. If there is a common problem that occurs time and time again, then that may set a precedent. He noted as the town is doing, you review your ordinance. The vote was taken on the amendment and this passed unanimously. The motion as amended was approved unanimously.

Commissioner Alexander asked if you get relief from the landscape, would you still do the planting. Mr. Petrosky stated they would.

Pavement Cross-Sections

There was a recommendation from the Town Engineer to amend the pavement cross sections of local and collector streets. Mr. Swartz noted this was an undertaking of the previous engineer. What we have found is that construction traffic is very wearing on the roads, and we are having trouble with binding holding up. We currently have a 2" binder and 1.5" topping. In speaking to

the City of Brentwood, they stated they use a 3" binder and 2" topping. The maintenance bonds are for one year. The cost would be placed upon the developer.

Chairman Owens asked if Brentwood was satisfied. Mr. Swartz stated in speaking with Assistant City Manager Kirk Bednar, and the Brentwood Public Works Director, we were all in agreement. Commissioner Happel made a motion to approve, and Commissioner Riddle seconded. Alderman Dugger asked when this would take effect. Mr. Swartz stated that those that have plans approved under old specifications will abide by those. However, any new sections or developments would use the new specifications.

Commissioner Happel changed his motion to a recommendation, and Commissioner Riddle seconded to change to a recommendation. This recommendation was approved unanimously.

Old Business:

The Jones Company, Lot # 2307, had a variance request in regards to street detail within the Subdivision Regulations. There was discussion of critical lots issues.

Mr. Jimmy Reese, 3385 Redmon Hill, noted his daughter lives at 4713 Jobe Trail. He stated that their driveway has a 37% slope, and his driveway has the same problem. If this is approved, he stated he hoped that theirs can be reviewed.

Mr. Laird stated that Jones Company has asked for a deferral and they are making every effort to comply with the town's request. Mr. Swartz noted that Commissioner Alexander performed an audit of the Bent Creek critical lots. He noted that a letter was sent by the town. This letter was responded by the developer stating that they did not consider any critical lots. Mr. Swartz sent a letter back to them. It was noted that the Jones Company's intention is to comply with the Town's requirements.

Chairman Owens asked if the commission could expect them to come before next month's meeting. Mr. Laird stated that he felt they will do that, or withdraw.

Mayor Lothers noted that she wanted to clarify that the Planning Commission met on the 11th and on the 12th she met with staff. She further noted that the town does not have a large staff, although the town is fortunate to have Alderman Alexander who performed this type of work in Metro. She noted that he had taken his time to go through each of these and designated the critical lots. She stated that we do not anticipate these issues with other developments.

Alderman Alexander stated once we get into larger size lots, he did not think there would be a problem like in the past with Bent Creek.

Chairman Owens stated we have made revisions to prevent this from happening in the future.

Mr. Laird stated Stantec was looking at the entire lot from front to back and our ordinance states that it is from the grade. He further noted that it is the interpretation. Alderman Alexander stated it is our contention that critical lots should be noted on the final preliminary plat approval.

Mr. Charles Lawson stated that in the last five (5) years he had worked for a contractor, and they had a similar situation. The car bumper would drag, and they finally realized the house should have been built further back on the lot. The final outcome was that they widened it so that the homeowner could go up at an angle, and they raised the sidewalk and built a retaining wall.

Alderman Dugger stated that the burden is upon the builder to identify these critical lots. If we stopped giving Certificates of Occupancy, then the builder will stop doing this.

Mr. Swartz stated the Zoning Ordinance states that a lot will be critical under certain conditions. He noted that the subdivision regulations say 10% and will be designated at final plat. He noted that one of the town's difficulties is that we do not have surveying equipment. He agreed with Alderman Dugger's suggestion that Certificates of Occupancy be withheld.

Chair Owens made a motion to defer, and Commissioner Willis seconded. This was approved unanimously.

Report from last Board of Mayor and Aldermen meeting, Town Planner or Mayor

Mayor Lothers reported on ordinance 07-19, that was recommended by the Planning Commission, noting that it had passed. She noted that ordinance 07-20 was deferred for more information about the floodplain. She stated that second reading passed in regards to the Village, in addition to the sign ordinance, ordinance 07-13, and permitted structures passing.

Mayor Lothers noted that a resolution was passed to have a Board of Appeals for International Building Codes.

Commissioner Haines asked a question in regards to the slope driveways. He inquired as to after a developer stakes out the lots what happens at that point. Mr. Swartz stated the surveyor performs his duties. Commissioner Haines asked if the surveyor could shoot a line at time. Mr. Swartz stated yes but he would not know what type of home that was being built on that lot.

Mr. Swartz stated he thought they were discussing the same thing. In a situation like Bent Creek, the existing ground did not present a problem. He stated that once they cut a road, the slope issue came up. He noted when a surveyor lays it out he will not know what home is being built.

Training Report, Town Planner

Mr. Laird stated that the commissioners were requested to submit their class hours. It appears that three or four commissioners are lacking training hours. He noted on October 16th, at MTSU, there is a seminar that would get most everybody caught up. He emphasized that Town Hall needs to know by tomorrow if any members plan to attend.

Commissioners Debbie Riddle, Willis Wells, Frank Wilson, Bob Haines and Rick Owens stated they would attend. Chair Owens noted that he already had his hours, but asked the beginning and ending date of the training year. Mr. Laird stated it does not state the time frame, but it must be within a twelve month period. Commissioner Wilson said it was January through December.

Other Business

Mr. Laird noted that 5.3.2 in the Zoning Ordinance is regarding the floodplain insurance. Mayor Lothers stated there was a typographical error and this must be corrected prior to the Town being allowed to participate in the flood insurance program.

Commissioner Haines made a motion to correct the typographical error, and Commissioner Wilson seconded. This was unanimously approved

Monthly Bond Report

Ballenger Farms, Phase One, requested release from the maintenance bond, a \$95,400 reduction. Mr. Swartz stated he concurred with this decision.

Phase One, Section One, Bent Creek \$50,469.40 request a release from their maintenance bond.

Mr. Laird noted that there was an error on page two. He stated that this has been reduced to \$45,000, and the second line should be deleted.

Chair Owens noted that the Sunset Park expiration was for the 11th of last month. Mr. Laird stated that this was from the county, and they have not provided this to the town.

Commissioner Wilson made a motion to approve the recommendation by staff, Chair Owens seconded the motion. This was approved unanimously.

IX. Adjournment

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Approved,

Cindy Lancaster
Town Recorder

Matt Happel
Planning Commission Secretary